

CFM PROGRAM QUESTIONS AND ANSWERS

1. Why were childcare facilities exempted from having a certified manager in 25 TAC§229.177?

Childcare facilities were specifically exempted in the legislation.

2. How will TDH keep accredited course providers, test site licensees, and regulators informed on procedural changes and interpretations relating to the new certified food manager rules?

The Retail Foods Division will post frequently asked questions and answers on the Retail Foods Division website and update them as needed.

3. Are schools required to have a certified manager?

If a school, such as a for-profit school, is required to be permitted, then the certified food manager requirement applies. However, many schools qualify as non-profit organizations under Internal Revenue Service regulations and therefore are exempted from both permitting and certified manager requirements under TDH rules. Non-profit schools are required to meet all other provisions of the Texas Food Establishment Rules.

4. Are establishments that only repack or handle non-PHF foods (examples: dried beans, ice beverage machine, hard candy) required to have a certified food manager?

No. The statute specifically exempts establishments that only repack or handle non-phf foods.

5. Are Internet exams required to be proctored?

No. Security is based on correct responses to personal validation questions embedded in the exam, time limits to complete the exam, and other security provisions.

6. Can a home rule city require a manager to attend a course?

A home rule city can adopt an ordinance requiring a manager to be certified. A certificate of successful completion of a TDH-approved examination must be accepted as meeting the training and testing requirements of Texas Health and Safety Code, Chapter 438.

7. Are local health jurisdictions required to accept a TDH-approved examination certificate as meeting the training requirement?

County health departments, public health districts, and city health departments must accept certificates for passing TDH-approved examinations as meeting the training and testing requirements of Texas Health and Safety Code, Chapter 438.

8. If I teach an accredited course at several locations, do I have to obtain a separate test site license for each location?

No. The \$300 permit enables TDH accredited certification or recertification courses to be offered at multiple locations. However, testing must be limited to students who attend and complete the course.

If an accredited program chooses to offer examinations to candidates who do not participate in the full training course but only want to take the exam, then each site at which the exam is offered must be individually licensed as a Test Site.

9. Does each mobile unit where potentially hazardous foods are prepared (Examples: hot dog carts, catering trucks that prepare PHF) need a certified food manager?

TDH requires each mobile food unit preparing PHF to have a certified food manager.

10. Can counties and public health districts charge a fee for issuing a county/PHD card to managers?

TDH will not be issuing cards or certificates in addition to certificates issued by TDH-approved examination providers. This issue is not addressed in Texas Health and Safety Code, Chapter 437.

11. Can I translate or put the state test on the Internet?

No, this would be a breach of the security agreement which must be completed before the test is released.

12. When will the Spanish test be available?

The Spanish language version of the TDH examination has been completed and is now available for use. Several national testing companies also currently offer the certified food manager examination in Spanish.

13. Are TDH test booklets required to be returned?

Examination booklets along with the completed answer sheets must be returned by commercial carrier (example: Fed Ex, Airborne, UPS) to the Texas Department of Health, Retail Foods Division, 2201 Donley Drive-Suite 200, Austin, Texas 78758. Failure to return the booklets and answer sheets together will delay grading and may result in other regulatory action.

14. Why mail back examination books?

Examination booklets must be returned to the Retail Foods Division for security reasons. This is consistent with procedures and security systems used by national test providers.

15. What costs are covered by the fees?

The fees are intended to offset the program costs including reviewing course and instructor applications; approving, developing, updating, grading, and evaluating examinations; issuing certificates; performing course and site audits; maintaining data systems; and other administrative costs.

16. Must TDH exams be purchased prior to delivery?

Exams must be ordered and paid for in advance of delivery.

17. Will there be listings of accredited courses, test sites, and TDH-approved examination providers?

Yes, these lists will be posted on the Retail Foods Division's website. Search features will be included to assist managers with contacting course providers, test site providers, and approved examination providers.

18. Will tests be sealed?

Examination booklets will be sealed for security purposes.

19. If students never receive their card, will they be required to pay a replacement fee?

The department will make every attempt to ensure that each student receives their certification or recertification card. However, TDH cannot be held responsible for cards that become lost due to wrong or incomplete mailing addresses, or due to postal error.

Cards that are not received by the student will be evaluated on a case-by-case basis. The Department shall make the determination as to whether or not a card will be replaced free of charge.

20. Will certificate replacement letters be sent?

Temporary certificate letters may be provided under certain conditions. A student requesting a replacement certificate must submit the appropriate request form and fee in order to receive a replacement certificate.

21. If I teach a course after July 31, 2002, will the student certificates be valid for five-years?

Students who successfully complete an accredited course taught after July 31, 2002 will receive the five-year certification.

22. When will the new TDH recertification test be ready?

The English version recertification examination is now available for ordering.

23. How long will it take from the time the order is mailed to receive exams?

Given normal mailing and processing times, the tests should be received approximately 2 weeks from the date of order. The Retail Foods Division will make every attempt to process orders by conclusion of the workday following receipt of the order.

24. Will the registry continue to be published in hardcopy?

The salmon colored course registry will not be distributed in hard copy format any longer. However, the same version of the course registry will be updated as needed on our Division website at: <http://www.tdh.state.tx.us/bfds/retail/training.html>.

25. Does the state plan to provide Internet testing?

TDH does not plan to offer Internet testing at this time.

26. Who will grade the Internet exams?

The Internet examination provider will grade their own examinations and issue their own certification cards.

27. Will the issue date be printed on the certificates?

The expiration date is the only date that is printed on the certificates.

28. Does each location have to have a certified manager?

In TDH permitting jurisdictions, each permitted food establishment must employ at least one certified food manager unless specifically exempted by rule. The manager's certificate is required to be posted in the establishment in a location conspicuous to consumers.

29. If someone fails the exam, do they have to wait 6 months to retake the exam?

There is no waiting period required to retake the TDH exam. A new candidate fee is required every time the exam is offered.

30. Is a TDH certificate issued from an accredited course exam prior to August 15, valid for 3 years or 5 years?

A certificate issued to a candidate who took a TDH examination dated January 1 – June 30, 2002 (old exam) will have a 3 year expiration. Certificates issued to candidates taking the TDH examination dated August 1, 2002 to December 31, 2002 (new exam) will have a 5 year expiration.

31. If an operator has a certificate from a department approved national exam that expires soon, can the operator take the TDH re-certification exam and receive a certificate that is valid for 5 years?

Yes, but the TDH certificate does not have national reciprocity.

32. If a business fails to have a certified manager when one is required, what rule is violated and what enforcement action may be taken.

The manager certification requirement was authorized by new §437.0076 of the Texas Health and Safety Code. §437.014 enables counties and public health districts to refuse, suspend, or revoke a permit for violation of state law, rules adopted under state law, or orders adopted by the county or public health district. Similar authority is granted to the TDH commissioner in §437.0056.

For TDH permitted establishments, 25TAC§229.177(b) requires one certified manager to be employed by each food establishment permitted by TDH. For counties and public health districts, the requirement for a certified manager is in Section 1 of the Model Order. Cities may take enforcement action based on their local ordinance.

33. Can a county health department require the unincorporated areas of said county to have a CFM?

Counties may adopt an order requiring food manager certification in unincorporated areas of the county.

34. Will the Blue Information package continue to be distributed.

The Blue Information package will be made available on the Division website. It will not be distributed in hardcopy format in the future. However, the Division will mail applications, rules and other information as requested.

35. Is the course schedule or test schedule still necessary?

No, this requirement has been eliminated from the rules to reduce the administrative burden for the providers.